

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**Title V
AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: EBONITE INTERNATIONAL, INCORPORATED
Mailing Address: 1813 WEST 7th STREET, HOPKINSVILLE, KENTUCKY
42240

Source Name: EBONITE INTERNATIONAL, INCORPORATED
Mailing Address: Same as Above

Source Location: 1813 WEST 7th STREET, HOPKINSVILLE, KENTUCKY

Permit Number: V-04-004
Log Number: 50734
KYEIS ID #: 21-047-00054
SIC Code: 2821

Regional Office: Paducah Regional Office
4500 Clarks River Road
Paducah, KY 42003-0823
(502) 564-3358

County: Christian

Application
Complete Date: March 16, 1999
Issuance Date: September 8, 2004
Expiration Date: September 8, 2009

**John S. Lyons, Director
Division for Air Quality**

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- 01 (-) **Curing Oven (south polyester core curing)**
 maximum rated capacity – 138 cores/hour
 date of installation: March 1995
 control equipment: none
- (4) **Curing Oven (annex)**
 maximum rated capacity – 138 cores/hour
 date of installation: March 1995
 control equipment: none

POLYESTER BALL AND CORE FORMING AREA:

Veneer and Core Pouring/Curing:

- 02 (-) **Large Core Pouring/Curing**
 maximum rated capacity – 395 cores/hour
 date of installation: October 1980
 control equipment: processed enclosed
- (-) **Small Core Pouring/Curing**
 maximum rated capacity – 160 cores/hour
 date of installation: March 1995
 control equipment: processed enclosed
- (-) **Veneer Pouring/Curing**
 maximum rated capacity – 157 units/hour
 date of installation: March 1995
 control equipment: processed enclosed
- (-) **Special Veneers Pouring/Curing**
 maximum rated capacity – 45 units/hour
 date of installation: March 1995
 control equipment: processed enclosed

APPLICABLE REGULATIONS:

401 KAR 63:020, Potentially hazardous matter or toxic substances.

1. Operating Limitations:

N/A

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE

REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**2. Emission Limitations:**

Pursuant to 401 KAR 63:020, Section 3, the permittee shall not allow any affected facility to emit potentially hazardous matter or toxic substances, styrene, in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. The owner/operator responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities.

Compliance Demonstration Method:

The permittee shall notify the KYDAQ should the emission rates of styrene increase above 55.77 tons/year, the level at which ISCST3 modeling was done. If usage increases above that rate, the permittee shall perform ISCST3 modeling and submit it to the Division within 30 days after the original modeled rate is exceeded.

3. Testing Requirements:

Pursuant to 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division.

4. Specific Monitoring Requirements:

The permittee shall monitor and maintain records of the following parameters:

- a. Monthly raw material usage records of styrene resins processed.
- b. Monthly production rates of polyester polymers.

5. Specific Recordkeeping Requirements:

Records shall be maintained of all the parameters which are listed in **Specific Monitoring Requirements**. The permittee shall compile monthly records of the total (process and fugitive) VOC emissions at the facility.

6. Specific Reporting Requirements:

- a. The permittee must submit all required reports in accordance with Sections F and G of the permit.
- b. Reports shall include all records listed in **Specific Recordkeeping Requirements**.

7. Specific Control Equipment Operating Conditions:

See Section E for further requirements on fugitive emissions.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS,

AND OPERATING CONDITIONS (CONTINUED)

POLYESTER BALL AND CORE FORMING AREA:

- 03 (-) Equipment Cleaning and Flushing (methylene chloride)**
maximum rated capacity – 7.5 lbs/hour
date of installation: January 1967
control equipment: none

APPLICABLE REGULATIONS:

401 KAR 63:020, Potentially hazardous matter or toxic substances.

State-Origin Applicable Regulations:

401 KAR 63:021, Existing sources emitting toxic air pollutants.

1. Operating Limitations:

N/A

2. Emission Limitations:

Pursuant to 401 KAR 63:020, Section 3, the permittee shall not allow any affected facility to emit potentially hazardous matter or toxic substances, methylene chloride, in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. The owner/operator responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities.

Compliance Demonstration Method:

The permittee shall notify the KYDAQ should the usage rate of methylene chloride increase above 33.0 tons/year, the level at which ISCST3 modeling was done. If usage increases above that rate, the permittee shall perform ISCST3 modeling and submit it to the Division within 30 days after the original modeled rate is exceeded.

3. Testing Requirements:

Pursuant to 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015, Section 1 (c)(1)(mm), shall be conducted as required by the Division.

4. Specific Monitoring Requirements:

N/A

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE

REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements:

The permittee shall compile monthly records of the total (process and fugitive) methylene chloride emissions at the facility.

6. Specific Reporting Requirements:

- a. The permittee must submit all required reports in accordance with Section F and G of the permit.
- b. Reports shall include all records listed in **Specific Recordkeeping Requirements.**

7. Specific Control Equipment Operating Conditions:

See Section E for further requirements on fugitive emissions.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

COLD METAL DEGREASERS:

- 04 (-) Cold Cleaning Degreaser (methylene chloride)**
maximum rated capacity – 0.06 gallons/hour
date of installation: March 1989
control equipment: processed enclosed
- (-) Cold Cleaning Degreaser (methylene chloride)**
maximum rated capacity – 0.06 gallons/hour
date of installation: March 1989
control equipment: processed enclosed

APPLICABLE REGULATIONS:

401 KAR 59:185, New solvent metal cleaning equipment.

401 KAR 63:002, 40 CFR Part 63 National emission standards for hazardous air pollutants, which incorporates by reference 40 CFR 63 Subpart T, National Emission Standards for Halogenated Solvent Cleaning.

1. Operating Limitations:

Limits pursuant to 401 KAR 59:185:

- a. Control equipment:
- i. The cleaner shall be equipped with a cover which can easily be operated with one
(1) hand. If solvent volatility is greater than fifteen (15) mmHg measured at 100
degrees Fahrenheit or if the solvent is agitated or heated, then the cover shall be
designed so that it can be easily operated with one (1) hand.
 - ii. The cleaner shall be equipped with a drainage facility so that solvent that drains off
parts removed from the cleaner will return to the cleaner. If the solvent volatility is
greater than thirty-two (32) mmHg measured at 100 degrees Fahrenheit then the
drainage facility shall be internal so that parts are enclosed under the cover while
draining. The drainage facility may be external if the cabinet determines that an
internal type cannot fit into the cleaning system.
 - iii. A permanent, conspicuous label, summarizing the operating requirements specified
in subsection (2) of this section shall be installed on or near the cleaner.
 - iv. If used, the solvent spray shall be a fluid stream (not a fine, atomized or shower
type spray) and at a pressure which does not cause excessive splashing.
 - v. If the solvent volatility is greater than thirty-two (32) mmHg measured at 100
degrees Fahrenheit or if the solvent is heated above 120 degrees Fahrenheit, then
the following control device shall be used:
 1. Water cover (solvent shall be insoluble in and heavier than water).
- b. Operating requirements:
- i. Waste solvent shall not be disposed of or transferred to another party so that greater
than twenty (20) percent by weight of the waste solvent can evaporate into the
atmosphere. Waste solvent shall be stored only in covered containers.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

1. Operating Limitations (continued):

- b. Operating requirements (continued):
 - ii. Degreaser cover shall be closed if not handling parts in the cleaner.
 - iii. Cleaned parts shall be drained until dripping ceases (fifteen (15) seconds is usually necessary).

Limits pursuant to 40 CFR 63, Subpart T:

- c. 40 CFR 63.462(a)(2): Employ a tightly fitting cover that shall be closed at all times except during parts entry and removal and a freeboard ratio of 0.75 or greater or
- d. 40 CFR 63.462(a)(1): Employ a tightly fitting cover that shall be closed at all times except during parts entry and removal and a water layer at a minimum thickness of 2.5 centimeters (1.0 inch) on the surface of the solvent within the cleaning machine.

Compliance Demonstration Method:

Compliance with 401 KAR 59:185:

The standard operating plan (SOP) for the degreasers shall specify the procedures to be followed to meet the operational limitations a and b listed above. The standard operating plan (SOP) containing the above procedures shall be kept available at the plant site for the Division personnel to inspect. A copy of the SOP shall be provided to the Regional Office within thirty (30) days of issuance of this permit for review.

Compliance with 40 CFR 63, Subpart T, 40 CFR 63.462(a)(2), the limitation c. above :

40 CFR 63.462(c)(1) through 9:

- 1. Batch cold cleaning machine standards:
 - a. All waste solvent shall be collected and stored in closed containers. The closed container may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container.
 - b. If a flexible hose or flushing device is used, flushing shall be performed only within the freeboard area of the solvent cleaning machine.
 - c. The owner or operator shall drain solvent cleaned parts for 15 seconds or until dripping has stopped, whichever is longer. Parts having cavities or blind holes shall be tipped or rotated while draining.
 - d. The owner or operator shall ensure that the solvent level does not exceed the fill line.
 - e. Spills during solvent transfer shall be wiped up immediately. The wipe rags shall be stored in covered containers meeting the requirements 40 CFR 63.462 (c)(1).
 - f. When an air- or pump-agitated solvent bath is used, the owner or operator shall ensure that the agitator is operated to produce a rolling motion of the solvent but not observable splashing against tank walls or parts being cleaned.
 - g. The owner or operator shall ensure that, when the cover is open, the cold cleaning machine is not exposed to drafts greater than 40 meters per minute (132 feet per minute), as measured between 1 and 2 meters (3.3 and 6.6 feet) upwind and at the same elevation as the tank lip.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE

REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

1. Operating Limitations (continued):

Compliance Demonstration Method:

Compliance with 40 CFR 63, Subpart T, 40 CFR 63.462(a)(2), the limitation c. above :

40 CFR 63.462(c)(1) through 9(continued):

1. Batch cold cleaning machine standards (continued):
 - h. Sponges, fabric, wood, and paper products shall not be cleaned.

Compliance with 40 CFR 63, Subpart T, 40 CFR 63.462(a)(1), limitation d. above :

The standard operating plan (SOP) for the degreasers shall specify the procedures to be followed to meet the operational limitation d. listed above.

2. Emission Limitations:

N/A

3. Testing Requirements:

Pursuant to 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 Section 1 (c)(1)(mm), shall be conducted as required by the Division.

4. Specific Monitoring Requirements:

The owner or operator shall comply with 40 CFR 63.465(e).

5. Specific Recordkeeping Requirements:

The permittee shall compile monthly records of the total (process and fugitive) methylene chloride emissions at the facility. Emissions shall be determined as a 12-month rolling total.

6. Specific Reporting Requirements:

- a. The owner or operator shall comply with 40 CFR 63.462(d) and 63.468(c).
63.462(d): Each owner or operator of a batch cold cleaning machine shall submit an initial notification report as described in 63.468(a) and (b) and a compliance report as described in 63.468(c).
63.468(c): Each owner or operator of a batch cold solvent cleaning machine subject to the provisions of this subpart shall submit a compliance report to the KYDAQ. For existing sources, this report shall be submitted to the KYDAQ no later than 30 days after issuance of this permit. This report shall include the requirements specified in paragraphs (c)(1) through (c)(4) of this section.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements (continued):

- (1) The name and address of the owner or operator.
- (2) The address (i.e., physical location) of the solvent cleaning machine(s).
- (3) A statement, signed by the owner or operator of the solvent cleaning machine, stating that the solvent cleaning machine for which the report is being submitted is in compliance with the provisions of this subpart.
- (4) The compliance approach for each solvent cleaning machine.
- b. In addition, the permittee must submit any required reports in accordance with Sections F and G of the permit.

7. Specific Control Equipment Operating Conditions:

See Section E for further requirements.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source

pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Styrene Tank (6,000 gallons)	N/A
2. Styrene Tank (6,000 gallons)	N/A
3. Styrene/Polystyrene Tank (6,000 gallons)	N/A
4. Styrene/Polystyrene Tank (6,000 gallons)	N/A
5. Styrene/Polystyrene Tank (6,000 gallons)	N/A
6. Styrene/Polystyrene Tank (6,000 gallons)	N/A
7. Styrene/Polystyrene Tank (6,000 gallons)	N/A
8. Styrene/Polystyrene Tank (6,000 gallons)	N/A
9. Styrene/Polystyrene Tank (5,000 gallons)	N/A
10. Styrene/Polystyrene Tank (5,000 gallons)	N/A
11. Styrene/Polystyrene Tank (5,000 gallons)	N/A
12. Styrene/Polystyrene Tank (5,000 gallons)	N/A
13. Styrene/Polystyrene Tank (5,000 gallons)	N/A
14. Styrene/Polystyrene Tank (5,000 gallons)	N/A
15. Polyol Tank	N/A
16. Polyol Tank	N/A
17. Polyol Tank	N/A
18. MDI Tank	N/A
19. MDI Tank	N/A
20. Natural Gas Burner (400,000 BTU/hr)	401 KAR 59:010

SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)

<u>Description</u>	<u>Generally Applicable Regulation</u>
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- | | | |
|-----|---|----------------|
| 21. | Curing Ovens, Natural Gas Burner (400,000 BTU/hr) | 401 KAR 59:010 |
| 22. | Curing Ovens, Natural Gas Burner (400,000 BTU/hr) | 401 KAR 59:010 |
| 23. | Storage Containers (catalysts and additives) | N/A |
| 24. | Mixing System #1 | N/A |
| 25. | Mixing System #2 | N/A |
| 26. | Mixing System #3 | N/A |
| 27. | Foam Core Mixing System | N/A |
| 28. | Veneer Mold Fill (mixing system #1) | N/A |
| 29. | Veneer Mold Fill (mixing system #2) | N/A |
| 30. | Veneer Mold Fill (mixing system #3) | N/A |
| 31. | Foam Core Mold Fill | N/A |
| 32. | Veneer Mix Tank | N/A |
| 33. | Veneer Mix Tank | N/A |
| 34. | Veneer Mix Tank | N/A |
| 35. | Veneer Mix Tank | N/A |
| 36. | Large Core Mix Tank | N/A |
| 37. | Small Core Mix Tank | N/A |
| 38. | Ball Deknobber (polyester balls) | 401 KAR 59:010 |
| 39. | Ball Deknobber (polyurethane balls) | 401 KAR 59:010 |
| 40. | Rough Grinder | 401 KAR 59:010 |
| 41. | Rough Grinder | 401 KAR 59:010 |
| 42. | Rough Grinder | 401 KAR 59:010 |
| 43. | Rough Grinder | 401 KAR 59:010 |

SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)

- | <u>Description</u> | <u>Generally Applicable Regulation</u> |
|--------------------|--|
| 44. Rough Grinder | 401 KAR 59:010 |

45.	Finish Grinder	401 KAR 59:010
46.	Finish Grinder	401 KAR 59:010
47.	Finish Grinder	401 KAR 59:010
48.	Finish Grinder	401 KAR 59:010
49.	Finish Grinder	401 KAR 59:010
50.	Finish Grinder	401 KAR 59:010
51.	Finish Grinder	401 KAR 59:010
52.	Finish Grinder	401 KAR 59:010
53.	Finish Grinder	401 KAR 59:010
54.	Finish Grinder	401 KAR 59:010
55.	Finish Grinder	401 KAR 59:010
56.	Buffer	401 KAR 59:010
57.	Buffer	401 KAR 59:010
58.	Core Grinder	401 KAR 59:010
59.	Core Grinder	401 KAR 59:010
60.	Core Grinder	401 KAR 59:010
61.	Core Grinder	401 KAR 59:010
62.	Core Grinder	401 KAR 59:010
63.	Core Grinder	401 KAR 59:010
64.	Core Grinder	401 KAR 59:010
65.	Core Drill Station	401 KAR 59:010
66.	Core Drill Station	401 KAR 59:010

SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)

<u>Description</u>	<u>Generally Applicable Regulation</u>
67. Core Drill Station	401 KAR 59:010

68.	Core Drill Station	401 KAR 59:010
69.	Core Drill Station	401 KAR 59:010
70.	Core Drill Station	401 KAR 59:010
71.	Core Drill Station	401 KAR 59:010
72.	Core Drill Station	401 KAR 59:010
73.	Bag Dump Station	401 KAR 59:010
74.	Bag Dump Station	401 KAR 59:010
75.	Solids Hopper	401 KAR 59:010
76.	Haul Road	401 KAR 63:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions

and processing rates for any twelve (12) consecutive months.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. All fugitive emissions shall be controlled in accordance with Regulation 401 KAR 63:010.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within *30 days*. Other deviations from permit requirements shall *be included in the semiannual report required by Section F.6* [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, and
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Paducah Regional Office
4500 Clarks River Road
Paducah, KY 42003-0823

U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL PROVISIONS**(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in the permit and
 - (b) Non-applicable requirements expressly identified in this permit.
- (b) Permit Expiration and Reapplication Requirements
 1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
 2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].
- (c) Permit Revisions
 1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
 2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(d) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(e) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations are exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - e. This requirement does not relieve the source from other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(f) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(g) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

N/A

